

Salisbury, North Carolina
March 15, 2005

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Mark N. Lewis; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.

ABSENT: None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Lewis. Mayor Kluttz announced that in honor of the late David Wilhelm the City of Salisbury will fly flags downtown during the visitation and funeral.

PLEDGE OF ALLEGIANCE

Cub Scout Pack 443, St. John's Lutheran Church, led those present in the Pledge of Allegiance to the United States flag. Mr. Dan Waggoner, Scout Leader, introduced members of Pack 443 who were Mr. Walter Wagoner, Mr. Paul McNeely, Mr. Christopher Cook, and Mr. Cameron Crowell.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Table Item 18 – Council to consider appointments to various Boards and Commissions.

Addition of Item 19(b) – Road Closing for Rowan Regional Medical Center.

Addition – Council report on National League of Cities Meeting.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of March 1, 2005.

(b) Voluntary Annexation - The Gables Phase 1

Receive a petition requesting voluntary annexation of Phase 1 of The Gables and adopt a resolution directing the City Clerk to investigate the sufficiency of the petition.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1, FOR VOLUNTARY ANNEXATION OF THE GABLES PHASE 1.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 7, and is known as Resolution No. 2005-07.)

(c) Voluntary Annexation - Drummond Village Phase 1

Receive a petition requesting voluntary annexation of Phase 1 of Drummond Village and adopt a resolution directing the City Clerk to investigate the sufficiency of the petition.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF DRUMMOND VILLAGE PHASE 1.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 8, and is known as Resolution No. 2005-08.)

(d) Group Development Site Plans

Approve the following group development site plans:

- G-02-02, Ashton Manor, 200 block of Sunset Drive
- G-01-87, Winn Dixie Crown Plaza Outparcel 1, 716-724 Jake Alexander Boulevard, West

(e) Budget Ordinance Amendment - Police Department

Adopt a budget ordinance amendment to the FY2004-05 budget in the amount of \$2,398 to appropriate restricted asset forfeiture funds.

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE RESTRICTED ASSET FORFEITURE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 14, and is known as Ordinance No. 2005-11.)

(f) Budget Ordinance Amendment - Police Department

Adopt a budget ordinance amendment to the FY2004-05 budget in the amount of \$6,500 to appropriate restricted asset forfeiture funds.

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE RESTRICTED ASSET FORFEITURE FUNDS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 15, and is known as Ordinance No. 2005-12.)

Councilman Burgin asked to pull item (d) – Group Development Site Plans.

Thereupon, Mr. Kennedy made a **motion** to approve the Consent Agenda with the exception of item (d). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms Kluttz voted AYE. (5-0)

G-02-02 ASHTON MANOR, 200 BLOCK OF SUNSET DRIVE

Councilman Lewis indicated that he needed to be excused due to a conflict of interest.

Thereupon, Mr. Burgin made a **motion** to excuse Mr. Lewis. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

Thereupon, Mr. Burgin made a **motion** to approve G-02-02. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

G-01-87 WINN DIXIE CROWN PLAZA OUTPARCEL 1, 716-724 JAKE ALEXANDER BOULEVARD, WEST

Councilman Burgin asked to be excused from this item due to conflict of interest.

Thereupon Mr. Woodson made a **motion** to excuse Mr. Burgin. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Thereupon, Mr. Lewis made a **motion** to approve G-01-87. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

PRESENTATIONS FROM “SPECIAL COMMUNITY EFFORTS GROUPS” CONCERNING 2005-2006 CITY BUDGET REQUESTS

Mayor Kluttz informed Council that requests for funding would be received from “special community efforts groups” concerning the FY2005-2006 Budget.

Those who addressed Council were:

Dr. Ronald Hash, Director of the Love Center Veterans Home, stated that the Veteran's Administration (VA) medical center is one of the fastest growing Veterans hospitals in the state. He stated that the Love Center is one of the few agencies in the County that works with homeless Veterans. Mr. Hash informed Council that they purchased an apartment complex located at 1309 Standish Street to convert to housing for homeless Veterans. He stated that the facility will be able to house approximately twenty-eight (28), but needs restoration including sprinkler and security systems. Mr. Hash stated that the Veterans will be able to stay for a minimum of three (3) months and a maximum of two (2) years as the Center works to help them find jobs and give them the support they need. He requested Council's consideration of \$20,000 for the renovation of the apartment building.

Mr. Sturges Bryan, NC Transportation Museum Foundation, and Mr. Walter Turner, Historian, described the North Carolina Transportation Museum as a facility promoting educational entertainment. Mr. Bryan stated that the facility provides train rides on site and noted that the trains have to be maintained. He indicated that rail operations cost approximately \$185,000 per year. He informed Council that they are in the process of restoring a passenger car with two (2) more cars being restored in the next year at a cost of approximately \$18,000 each. Mr. Bryan asked Council for consideration of \$10,000 to restore these two (2) cars in the coming year.

Ms. Victoria Slusser, Communities in Schools, 204 East Innes Street, asked Council for funding to cover the expense of two-way radios used by their four (4) staff members. She stated that the radios are similar to those used by City and County employees, and are used by staff when conducting home visits or transporting students and family members throughout the community. Ms. Slusser asked Council for consideration of \$1,872 which is the amount Communities in Schools pays to the City each year for radio service.

Ms. Patricia Trueblood, Big Mama's Community Outreach, described the Community outreach program as a tutoring program with a focus on children. She stated that they want to address parents who cannot read and described their program where parents come to the center along with their children to read for an hour. She added that this gives parents an opportunity to learn to read without being ashamed. She asked Council for \$50,000 to purchase a building in order to move the Community Outreach out of her home.

Ms. Norma Honeycutt, Partners in Learning, 2300 West Innes Street, informed Council that the Partners in Learning center addresses early childhood education from birth to five (5) years of age, and asked for funding for the continuing education of their thirty-seven (37) staff members. Ms. Honeycutt stated that their staff is required to get a two (2) year degree in early education and these funds will be used to provide scholarships for the teachers. She requested \$7,000 and noted that \$4,500 will go to the scholarships and the remaining \$3,500 will be used for the staff to attend the North Carolina Conference for the Association for the Education of Children. Ms. Honeycutt noted that thirty-five (35) percent of the children in their center have special needs and distributed a picture of a child who has been successful in their program.

Ms. Adina Martin and Ms. Micah Melton, Prevent Child Abuse Rowan, thanked Council for their past support of child abuse prevention efforts. Ms. Martin discussed the Terry Spencer Hess House and noted it is Rowan County's first child advocacy center. She stated that the House opened in February 2005 to provide services to child sexual abuse victims and their families. Ms. Martin told Council that the initial operating costs have drained much of their fund raising resources. She reviewed areas that the City could help including non-expendable equipment, materials and supplies, training costs for accreditation purposes, and publication costs. She stated that they are currently researching grant opportunities to fund a dedicated staff member to serve as coordinator of the Terry Spencer Hess House. Ms. Martin asked for Council's consideration of their \$10,000 request.

Mayor Klutz thanked everyone for their presentations.

ZONING MAP AMENDMENT - Z-02-05 - WAL-MART STORES EAST, LP

Z-02-05 - Wal-Mart Stores East, LP, Arlington Street

(a) Mr. Preston Mitchell, Senior Planner, indicated this request is to rezone a twenty-one (21) acre parcel owned by Wal-Mart from B-4 Highway Business and M-1 Light Industrial to B-6 General Business. Mr. Mitchell noted that when Wal-Mart was initially built staff asked that they come back to seek a rezoning to make the base zoning consistent with the use of the property. He stated that Wal-Mart is also seeking the rezoning in order to request a permit for outdoor displays, noting that B-6 zoning is needed for this request. He explained that most of the outdoor storage and display will be on the side of the property adjacent to the interstate. Mr. Mitchell informed Council that the Planning Board unanimously recommends approval of the rezoning request.

Mr. Mitchell explained that if the rezoning is approved Wal-Mart will have to return to seek a special use permit for the outdoor storage. He added that staff will recommend approval of the special use permit with the following recommendations:

- Limit the display area to hard surface or parking area
- Limit the location of the display area between the interstate and the store
- The display area be clearly defined from the adjacent parking spaces by using temporary landscaping or some other form of clear delineation

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-02-05, Wal-Mart Stores East, LP, Arlington Street.

Since no one was present to speak **for or against** the proposed rezoning, Mayor Klutz closed the public hearing.

Councilman Burgin questioned why the property was not zoned B-6 when Wal-Mart was initially built. Mr. Dan Mikkelson, Director of Land Management and Development, responded that outdoor storage was an important issue for Wal-Mart and at the time it was allowed in M-1 so they chose to remain M-1. He noted that the Code has now been changed and outdoor displays are only allowed in the B-6 District.

(c) Thereupon, Mr. Lewis made a **motion** to approve the rezoning for Z-2-05 for Wal-Mart Stores East, LP from M-1 and B-4 to B-6. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING THE SOUTHERN PORTION OF APPROXIMATELY 24.4 ACRES ALONG SOUTH ARLINGTON STREET, IDENTIFIED AS PARCEL 059A001, FROM B-4 HIGHWAY BUSINESS DISTRICT AND M-1 LIGHT INDUSTRIAL DISTRICT TO B-6 GENERAL BUSINESS DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 16, and is known as Ordinance No. 2005-13.)

ZONING TEXT AMENDMENT - ADD PERMITTED USES TO B-1 ZONING DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, informed Council that this request is a text amendment to the City Code to allow for fortune tellers, palm readers, psychics, astrologers, and tarot card readers within in the B-1 Office Institutional District. He added that this wording will be stricken from the B-4 District to avoid duplicate language in the Code and asked that "other related uses", which was in the B-4 text, not be included.

Mr. Mitchell reviewed the history for this request and noted that an initial zoning change was submitted to the Planning Board but was withdrawn. The attorney for the applicant then asked staff to review the text amendment. He explained that the reason for the zoning request was an inconsistency with this type of use in the B-4 District. The Planning Board established a committee to review the text amendment and agreed that there was incompatibility between the B-4 District and this type of use. Mr. Mitchell reviewed the definitions for both B-1 and B-4 Districts and noted that with this use there is no stock of goods, a high volume thoroughfare is not necessary, and the business is conducted indoors. He informed Council that the Planning Board voted in favor of the text amendment by a vote of 8-2.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add permitted uses to the B-1 Zoning District.

Those speaking in **favor** of the text amendment were:

Mr. Todd Parris stated that he is the attorney for Ms. Dora Dalton (business owner) and informed Council that Ms. Dalton has already moved into the house in question, but has not opened for business. He noted that Ms. Dalton is trying to operate a home business and can only speak to one person at a time and there will be no problems with cars at the business. He stated that Ms. Dalton describes her business as a spiritual advisor and not palm reader or fortune teller. He stated that there is a dentist's office next door to Ms. Dalton and he feels her business will be comparable as far as the impact on the neighborhood. Mr. Parris stated that the sign for Mr. Dalton's business was previously approved for use on property located on Highway 29. He told Council that her family will live at the home and no dangerous activities will take place. Mr. Parris stated that Ms. Dalton has been in the area for four (4) years and she is trying to make a living, but her business is not lucrative enough to locate outside the home. He concluded by saying that Ms. Dalton will have her business license and will comply with all rules and regulations required by the City.

Ms. Dora Dalton, Business Owner, stated that she has been in the City for four (4) years and would like to remain here. She asked for Council's support for her request.

Dr. Ted James, 1545 Earnhardt Road, stated that Ms. Dalton has rented his property located on US 29 for four (4) years and he has never had any problems or disturbances.

Those speaking in **opposition** to the amendment:

Mr. Jake Alexander, 8 Woodland Road, stated that he is an office park developer and he objects to the process the Planning Board used to accommodate Ms. Dalton. He noted that the difference between this use and other uses in B-1 is that there is usually a significant investment required. He stated that there are a number of B-1 areas in Salisbury that abut neighborhoods and he feels sure that the neighborhoods are not aware that this will be a permitted use. He told Council that he feels an S district in B-4 is the right solution because it would apply only to the property in question and would not change the whole district. He stated that he and his partners have put over \$30 million dollars on the tax base and he hopes Council will respect their wishes concerning this request.

Mr. Clay Lindsay, Developer, stated that if this use is allowed in B-1, the zoning will not follow the person but will follow the property and allowing this use in B-1 will open up other areas in the City for less desirable use. Mr. Lindsay stated that businesses of this type normally follow retail hours and noted the entertainment value that goes along with it. He asked council to accommodate Ms. Dalton in a different way.

Mr. John Henderlite, 3 North Road, stated that he is opposed to the proposed text amendment. He noted that B-1 is a common district in Salisbury and he would like to have the current B-1 uses remain unchanged. Mr. Henderlite stated that he suspects the number of applicants for this type of business in B-1 has been very low and feels an S district application better fits the situation and is a more refined planning tool. He added that a text amendment has much more impact.

There being no one else to speak **for** or **against** the text amendment, Mayor Kluttz closed the public hearing.

Mayor Pro Tem Woodson stated that he does not want to put Ms. Dalton out of business but he respects the developers and the issues they raised.

Councilman Burgin stated that there has to be appreciation for the concerns that have been raised and perhaps there is an easier way to accommodate a citizen than to change the zoning for B-1. He commented that he sees nothing wrong with this specific case and finding a way to make it work, but this will apply to every B-1 area within the City and a much less desirable business could take advantage of this change. Mr. Burgin stated that he is in favor of finding a different solution for this case.

Councilman Lewis stated that it seems that this issue comes down to a person's personal feelings of spiritual counselors and personal value set. He commented that it appears that what Ms. Dalton does is not in the definition of fortune teller, palm reader, psychics, astrologers and tarot card readers. Mr. Lewis stated that he feels personal value sets is what is driving this issue. He noted that the hours of operation are more in line with retail rather than office institutional and feels this is a valid point against inclusion in B-1. Mr. Lewis stated that allowing this in B-1 will show Salisbury as an inclusive community. He indicated that he feels that after all of the work on this issue he feels they have developed archaic terminology for the use and noted that he supports allowing the use in B-1.

Councilman Kennedy stated that Council needs to work with Ms. Dalton but after hearing from the developers he would not want to do anything to affect their investment and cannot support what is being presented at this point.

Mayor Kluttz noted that council must look beyond one situation, and while they would not want to do anything to hurt Ms. Dalton, the decision is about more than just one person. She stated that she agrees with Mr. Burgin and would like to find a way to help Ms. Dalton, but she is not sure this is the right way.

(c) Thereupon, Mr. Burgin made a **motion** to deny the text amendment. Mr. Woodson asked if something can be done on a temporary basis to help Ms. Dalton while working on this issue. Mr. Lewis stated that the property owner will have to seek B-4S and it will take approximately thirty (30) days. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. Mr. Lewis voted NAY (4-1)

Mr. Burgin suggested the applicant focus on B-4S which would allow for that use in addition to all that is allowed in B-1. He indicated that he felt she could request the Planning Board not send this to a committee and refer it directly to Council.

SPEED LIMIT - HEILIG AVENUE, WILEY AVENUE, AND ELM STREET

Ms. Wendy Brindle, Traffic Engineer, informed Council that petitions have been received from residents of Heilig Avenue, Wiley Avenue, and Elm Street and each has been signed by approximately fifty-five (55) percent of the property owners. She noted that the request is consistent with those approved by Council in the past.

Thereupon, Mr. Woodson made a **motion** to lower the speed limit to 25 miles per hour. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS - GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Traffic, at Page No. 17, and is known as Ordinance No. 2005-14.)

Mayor Kluttz recognized Ms. Maggie Blackwell, President of the Fulton Heights Neighborhood Association, who informed Council that the stop signs placed in their neighborhood on January 30, 2005 have been very successful. She stated that cut-through drivers have found other routes and delivery trucks have slowed down and honored the speed limits. She added that residents feel traffic has been cut significantly since the stop signs have been installed and thanked Council for their help.

REQUEST FROM KAREN ALEXANDER CONCERNING A TEXT AMENDMENT TO THE SIGN ORDINANCE

Ms. Lynn Raker, Urban Design Planner, indicated that staff has received two requests to allow for flexibility in the sign ordinance within the B-5 District. She noted that any changes would have to be incorporated into the Historic Design Guidelines for the Non-Residential District. Ms. Raker asked Council to appoint a committee to review these requests if they feel they would like to pursue this issue.

Councilman Burgin asked for more specific information. Ms. Raker reviewed the request from Ms. Karen Alexander, Architect for the Tractor Building. Ms. Alexander addressed Council and noted that the current ordinance does not allow a parapet sign in the B-5 District. She pointed out that the roofline of this particular building is higher than normal and there is historic lettering that would be left in place. She explained that using a parapet sign would not put additional holes into the building, as the letters would be mounted to a rod rather than the building itself. She noted that the building sits on Depot Street but is also visible from Lee Street and this type of signage would be visible from both. Ms. Alexander informed Council that this request went through the Historic Preservation Commission and she indicated that they liked the plan but could not approve it because it is not currently allowed in the Ordinance.

Ms. Raker also reviewed a second request from Mr. Michael Young who would like to use a banner sign. The sign would project from the building on the second floor. She noted that currently only banner signs of six (6) square feet, projecting from the first floor, are allowed.

Ms. Raker stated that both requests are in the B-5 District and would replace allowable wall signs in both instances.

Councilman Burgin commented that two proposals have been received from two of the top designers in the community, but he feels the problem is that Council does not always receive this type of design. He stated that it will be hard to allow a parapet sign in this case, but not allow it for every

parapet in the City. He added that he feels that there are other sign solutions that would be equally attractive and he cannot support the request. Mr. Burgin stated that he feels this would be crossing the line of opening the Sign Ordinance beyond what is reasonably flexible.

Council Lewis indicated that he is hesitant as he looks at ordinances because they tend to be one size fits all, but Salisbury has unique buildings and finding a different solutions would be appropriate. He noted that he can support a committee to study the issue, although he does not want to waste time if Council cannot support the change.

Councilman Kennedy stated that he supports sending this issue to a Committee to see what can be discussed.

Mayor Klutz stated that she does not think it will hurt to have people discuss this issue and pointed out that it will come back to Council for the final decision.

Ms. Raker recommended a committee to include a Councilmember and representatives from the Community Appearance Commission, Historic Preservation Commission, and the Planning Board. Mr. Lewis agreed to participate on the committee.

Thereupon, Mr. Lewis made a **motion** to form a task force comprised of two (2) members of the Planning Board, two (2) members from the Community Appearance Commission, and two (2) members from the Historic Preservation Commission, and himself. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. Mr. Burgin voted NAY. (4-1)

PRESENTATION FROM PIEDMONT TRIAD COUNCIL OF GOVERNMENTS CONCERNING LOCAL GOVERNMENT ACCESS CHANNEL, ACCESS 16

Mr. Mike Crowell, Information Technology Manager, and Mr. David Harris, Piedmont-Triad Council of Governments, addressed Council concerning policies and procedures for a government access channel.

Mr. Harris reviewed the recommendation of the Cable Committee that worked on the renegotiation for the cable franchise renewal. He noted that the Committee recommends establishing a Board of Directors for Access 16 and adopting operational policies for the channel. He stated that the composition of the Board of Directors will include representatives from the City, County and each municipality that worked on the franchise renewal, as well as the Information Technology Managers for both the City and the County. He asked Council to adopt a Resolution to establish the Board of Directors. Mr. Harris then read the Resolution for Council's consideration.

Councilman Burgin noted that Council will not have control over the Board of Directors and asked if input should be sought from the municipalities before adopting a resolution stating how the board will be created. Mr. Harris noted that all other participants have adopted this Resolution and the operating policies and procedures, except for Granite Quarry and the Town of China Grove who will take action at their next meetings.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution for the establishment of a Board of Directors. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION IN SUPPORT OF ESTABLISHING A CABLEVISION BOARD OF DIRECTORS.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 10, and is known as Resolution No. 2005-10.)

SPECIAL USE PERMIT - VERIZON WIRELESS

Mr. Mike Crowell, Information Technology Manager, informed Council that Verizon Wireless has submitted an application for co-location of an antenna on an existing tower located at 145 Dan Street. He noted that there is no increase in the height for the tower and the company has provided the necessary permit fee. He stated that staff requests authorization for the City Manager to issue the special use permit.

Thereupon, Mr. Burgin made a **motion** to authorize this to happen. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

FIRST READING - CDBG AND HOME PROGRAM FUNDS FY 2005-2006

Mr. Janet Gapen, Planner II, presented the proposed budget for Community Development Block Grant (CDBG) and HOME programs for FY 2005-2006.

Total Proposed Budget FY2005-2006:

CDBG	\$375,798
HOME	\$153,351
Program Income	\$75,000
Total	\$604,149

Community Development Budget FY 2005-2006:

<u>CDBG</u>		
Project Activities	\$239,935	-
Public Services	\$63,870	
Program Administration	\$90,160	
Debt Service Section 108 Loan	\$56,833	
Total CDBG Funds		\$450,798
<u>HOME</u>		
Project Activities	\$140,050	
Program Administration	\$13,301	
Total HOME Funds		\$153,351
Total Community Development Funds		\$604,149

Ms. Gapen also reviewed in more detail program activities which included:

Acquisition/Rehabilitation/Resale Activities		
CDBG	\$125,000	
HOME	\$100,050	
Emergency Rehabilitation Activities		
CDBG	\$50,000	
Non-Housing Improvement Activities		
Fairview Heights – drainage remediation		
CDBG	\$25,000	
Sidewalk Improvements		
West End Community-W. Horah Street		
CDBG	\$39,935	
Homeownership Assistance Activities – Down payment Assistance		
HOME	\$40,000	
Public Service Funding		
Rowan Helping Ministries	\$25,750	
Family Crisis Council	\$16,100	
Community Care Clinic	\$11,520	
Youth Employment Program	\$7,500	
Community Youth Garden	\$3,000	\$63,870

Councilman Lewis asked how the requests from the Special Community Interest Groups received by Council today fit into this budget. City Manager David Tremé explained that the requests are not tied together. Mayor Kluttz noted that requests for the CDBG and HOME program funds were received at previous public hearings, adding that the groups who will receive CDBG and HOME program funds submitted applications to the Community Development Corporation for these federal funds. The requests received from the Special Community Interests groups today are budget requests for funds from the City's General Fund.

Thereupon, Mr. Woodson made a **motion** to approve the first reading as submitted. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Lewis referred to the Federal Budget deliberations and asked if the City is asked to prepare this budget with the understanding that the CDBG program will remain in its current form. Mr. Dan Mikkelson, Director of Land Management and Development, noted that the President's budget will not affect this year's CDBG and HOME program budget but, if passed, would be effective in 2006.

DONATION OF PROPERTY - 210 SOUTH LONG STREET

Mr. Joe Morris, Planning and Community Development Manager, informed Council that property located at 210 South Long Street and owned by Mr. Charles McBride, has been offered to the City as a donation. He stated that the house is known as the Tickell-Williams house and is currently vacant and in deteriorating condition. Mr. Morris informed Council that Mr. McBride has offered the house with no strings attached, but would like a responsible owner for the property to rehabilitate it. The house is located in the Brooklyn-South Square and the current owner states that clear title can be obtained. Mr. Morris noted that there are also protective covenants held by the Historic Salisbury Foundation.

Mayor Kluttz asked staff for their recommendation. Mr. Morris responded that the Planning Department recognizes the neighborhood as fragile and would like to contribute to the neighborhood revitalization, but added that economically it may not make sense.

City Manager David Tremé commented that he is skeptical about things given to the City in a deteriorated state, but in this case there is a responsible bidder who would rehabilitate the property and he would be in favor of proceeding with the bidder. Mr. Tremé stated that he does not think the City should rehabilitate and then try to resell the house, but he is in favor of accepting the donation if it can be turned over to a responsible bidder who can then make the repairs.

Councilman Kennedy asked how the value of the gift would be determined. Mr. Treme stated that the tax value is approximately \$16,000. Mr. Morris added that the property has also been appraised.

Councilman Burgin indicated that he would feel more comfortable if the City is in control of this piece of property and feels the City should accept the donation.

Mayor Kluttz noted that because of the restrictive covenants with the property, whoever purchases the house will have to make an investment in order to rehabilitate it.

Thereupon, Mr. Burgin made a **motion** to accept the gift and thank Mr. McBride for offering the house. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PRESENTATION FROM STAFF - STREET LIGHTING PROPOSED FOR EAST INNES STREET

Ms. Lynn Raker, Urban Design Planner, discussed the East Innes Street Gateway Streetscape Enhancement Project. She reviewed the history for the project and informed Council that staff has worked to acquire donations of private funds for the project. \$325,000 has been received over the past three (3) years. She noted that the intended uses for the grant funds are:

- Enhanced street and pedestrian lighting - \$76,000
- Upgrade controlled access fence - \$45,000
- Acquire remnant properties
- Street trees, median plantings and other landscaping

Ms. Raker stated that the area for improvements is located on East Innes Street from Arlington Street to Avalon Drive, with the area for lighting improvements being located on East Innes Street from Arlington Street to Faith Road.

Ms. Raker reviewed the North Carolina Department of Transportation's (NCDOT) criteria for lighting:

- Breakaway poles (if less than fourteen (14) feet from the curb)
- All poles behind the sidewalk
- Meet required light output

Ms. Raker informed Council that a 400 watt Tear Drop light by Holophane has been selected for the lighting project and it will be mounted twenty-five (25) feet on a breakaway fiberglass pole with a seventy-two (72) inch arm. The fixtures will be dark green and will be spaced two hundred (200) feet apart.

Ms. Raker reviewed the next steps for the project and noted that a contract will need to be signed by May 16, 2005. Councilman Kennedy asked when Duke Power will complete the installation. Ms. Raker responded that the installation would have to be complete within a year but added she feels it will probably be complete well before that time and she does not anticipate any problems.

Mayor Kluttz asked if the entire \$75,650 for the cost of the project will come from grant funds. Ms. Raker responded that this project will be funded from the grant funds.

Councilman Burgin stated that he thinks staff has done a great job and he is excited about the progress that has been made on Innes Street in the last six (6) to eight (8) years.

City Manager David Treme asked Council to authorize him to enter into the contract with Duke Power for the specified amount. He added that this will allow him time to review the contract and sign by the May 16th deadline.

Thereupon, Mr. Kennedy made a **motion** to approve City manager David Treme entering the contract for \$75,650 with Duke Power. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Ms. Raker and staff for the work that went into this project and expressed Council's thanks for the donations from the community to fund the work.

SALISBURY SPORTS COMPLEX PARK

City Manager David Treme stated that one of Council's goals is to leverage funds when possible, noting that the City has an opportunity to leverage significant funds to provide for improvements at the Salisbury Sports Complex Park.

Ms. Gail Elder White, Parks and Recreation Director, presented Council with a budget proposal to show what might be available to the City. She noted that the Federal Government requires a Resolution in order to seek Land and Water Conservation Trust Fund grant funds. She explained that the project is estimated to cost \$500,000 and of this, the Land Conservation funds will be \$250,000. The City's required match will be \$250,000 and explained that staff hopes to budget \$125,000 and raise the remaining \$125,000 from outside resources and donations. The City's portion of the match can be stretched over a three (3) year period or \$41,666 per year. Ms. White stated that with the \$500,000 in hand, the City can use the money as a

match to seek funds from the State for an additional \$500,000. She noted that this gives the City the potential of \$1 million for the project, with the City participating at \$125,000. She noted that all of the grants are very competitive but she feels it is worth pursuing.

Mr. Treme commented that he sees this as an opportunity to leverage funds and although the matching funds are not guaranteed, he feels the chances are excellent to receive the additional \$500,000. He pointed out that the application is due March 31st.

Thereupon, Mr. Kennedy made a **motion** to adopt the Resolution authorizing the development of the Salisbury Sports Complex Park by the Salisbury City Council. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE DEVELOPMENT OF THE SALISBURY SPORTS COMPLEX PARK BY THE SALISBURY CITY COUNCIL.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 9, and is known as Resolution No. 2005-09.)

SALISBURY HISTORY AND ART TRAIL GUIDELINES

Ms. Barbara Perry, Community Appearance Commission (CAC), informed Council that the CAC has approved the Salisbury History and Art Trail Guidelines and recommends approval of the Guidelines by Council. She indicated that the Art and History Trail Committee would like to begin applying for grants and feel Council's approval is important in order to begin the application process.

Councilman Lewis asked about the composition of the Art and History Trail Committee and asked if approving the Guidelines will create a new board. Ms. Perry responded that the Committee is part of Downtown Salisbury, Inc., with representation from various boards in the community and added that approving the Guidelines will not create a new board.

Mayor Klutz noted that she presented the Guidelines to the Urban Open Air Institute and one of their comments about public art was to have detailed guidelines in place and she feels these meet that need.

Councilman Kennedy asked about the City's liability. City Attorney Rivers Lawther responded that he has seen the Guidelines and there are no problems.

Thereupon, Mr. Kennedy made a **motion** to approve the Salisbury History and Art Trail Guidelines. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

BOARDS AND COMMISSIONS APPOINTMENTS

This item was deferred until the next meeting.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their March 8, 2005 meeting.

(b) Business Incubator Meeting

City Manager David Treme informed Council that the Business Incubator Task Force meeting will be held March 31, 2005 at 12:00 p.m. in Council Chambers and all Council members are invited to attend this kick-off meeting. Mayor Klutz asked Council members to let City Clerk Myra Heard know if they plan to attend.

(c) Request for Street Closing

Mr. Dan Mikkelson, Director of Planning and Development, informed Council that Rowan Regional Medical Center is ready to remove the large crane being used for their construction project and need to close Mocksville Avenue for two (2) days for the crane removal. He noted that a smaller crane will be put in its place and the detour will remain in effect. Mr. Mikkelson indicated that he does not know the exact dates for the closure but it is tentatively scheduled to occur in the next two weeks. By consensus Council agreed to the street closing for the crane removal.

(d) Assumption of China Grove and Landis Water Systems

City Manager Treme informed Council that staff will have information within the next thirty (30) days on the cost to assume the water systems of Landis and China Grove, and staff will determine the impact on the rate payers before any action is taken.

(e) Water and Sewer Extension Policy

City Manager Treme informed Council that information concerning the Water and Sewer Extension Policy has been made available to developers and a list of those who received the information was submitted to Council for their information.

(f) Meeting with County Officials

City Manager Treme stated that he will meet on March 17, 2005 with County Commission Chair Frank Tadlock, Commissioner Arnold Chamberlain and County Manager Tim Russell to discuss the I-85 sewer extension project.

MAYOR'S ANNOUNCEMENTS

(a) Fellowship Luncheon - Rowan County Commissioners

Mayor Kluttz asked Council for possible dates to hold a fellowship luncheon with the Rowan County Board of Commissioners. Council agreed on April 21st and 22nd and May 4th and 19th as tentative dates to propose to the County.

(b) Report on National League of Cities Meeting

Councilman Kennedy stated that members of City Council traveled to Washington, D.C. and met with Congressman Mel Watt, Congressman Howard Coble, and a representative from Senator Elizabeth Dole's office. He noted that the legislators were provided with copies of the City of Salisbury Impact Statement regarding President Bush's proposed budget. He indicated that they were very impressed and have pledged to work to keep the Community Development Block Grant program where it is currently located and at its present funding level.

He noted that the National League of Cities also requested support of a transportation bill, the protection of the Section 8 Housing Voucher program, protection for equipment for First Responders, and support for tax reform proposals to simplify tax codes and protect tax payer and authorities. He added that the League also supports the continuation of towns and cities regulation of communication services.

Mayor Pro Tem Woodson stated that after attending the meeting it appeared to him that the present administration is shifting policies from humanitarian issues to worldwide community issues and noted that the United States now has to compete on an overall world level.

Councilman Lewis described one of the workshops he attended and noted that developing a sense of place and community, including downtown revitalization, was the top goal of sixty-five (65) to seventy (70) percent of the participants in the workshop.

Councilman Burgin commented on a seminar for developing leadership and informed Council that he has compact disks of the workshop for them to listen to at their leisure.

Mayor Kluttz thanked the Council members for attending the meeting and giving the Representatives in Washington information on the proposed budget impact on the City.

URBAN OPEN AIR INSTITUTE

Mr. Burgin noted that the Urban Open Air Institute report will be given at the next Council Meeting.

DAVID WILHELM FUNERAL

Mayor Kluttz invited Council members to join her in representing the City at the funeral for David Wilhelm. She thanked the Police Chief and Police Department, Fire Chief and Fire Department, and Mr. Vernon Sherrill and Public Services for their assistance with the funeral.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All Council members agreed unanimously to adjourn. The meeting was adjourned at 6:50 p.m.

Mayor

City Clerk